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Paper No. 10

DIRECTOR OFFICE
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SUITE 4900
COMMERCE COURT WEST
TORONTO CA CANADA

In re Application of
Doyle et al.
Application No. 09/384,108
Filed: August 27, 1999
For: APPARATUS AND METHOD FOR
BRIDGING A WIRED NETWORK AND
WIRELESS DEVICES

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition for Withdrawal of Abandonment, filed December 18, 2003, requesting the holding of abandonment be withdrawn in the above-identified application pursuant to 37 C.F.R. § 1.181. No fee is required.

This application was held abandoned for failure to timely submit a response to the final Office action mailed February 12, 2003 (paper No. 7). A Notice of Abandonment was mailed October 22, 2003 (paper No. 8).

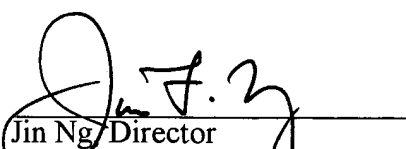
Petitioner alleges that the final Office action was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above. Therefore, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application is being returned to the examiner for update and processing as appropriate.


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